

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION

ERIC BERNARD HOWARD #123461,)
)
Plaintiff)
) No. 1:12-0004
v.) Judge Campbell/Brown
)
STATE OF TENNESSEE DEPARTMENT)
OF CORRECTIONS, *et al.*,)
)
Defendants)

O R D E R

The Defendant has filed a motion to intervene of right (Docket Entry 89). The Magistrate Judge has attempted to read and understand this motion. However, the motion makes little sense. The motion is **DENIED**.

The Plaintiff originally filed a motion to enjoin (sic), Assistant Attorney General Jennings as a defendant/plaintiff in this cause of action. The grounds for this motion was a failure to institute action dealing with the Private Prison Contract Act.

The Magistrate Judge denied this motion (Docket Entry 64), explaining that there was nothing in the Act giving the Plaintiff a private right to enforce the Act, or to require the state to take any particular action. The Magistrate Judge further found there was no authority require Ms. Jennings, the attorney for the Defendants in this matter, to be entered as either a defendant or a plaintiff.

The Plaintiff requested a review of this order (Docket Entry 68). The District Judge reviewed the matter and affirmed the order (Docket Entry 76). Judge Campbell found that there was no

private right of action under the Private Prison Contract Act of 1986 and that the Court had no basis upon which to order the Attorney General to become a defendant or a plaintiff in the case. The present motion to intervention of right (Docket Entry 89), to the extent that any sense can be made of it seems to simply repeat a claim that the Attorney General should be required to somehow intervene in this case on his behalf.

The Plaintiff presently has a case again Corrections Corporation of America (CCA), Warden Chapman, Captain Jackson, Lieutenant Cogswell, Senior Corrections Officer Staggs, Garret, and Lang. The scheduling order has been entered in the matter (Docket Entry 53). Discovery in this matter closed October 22, 2012, and dispositive motions are due **November 30, 2012**. If the Defendants file dispositive motions the Plaintiff should carefully consider the motions and the instructions given in the case management order, particularly paragraph 8, and file timely responses.

It is so **ORDERED**.

/s/ Joe B. Brown
JOE B. BROWN
United States Magistrate Judge